

29 March 1957

NSC Review Complete as Redacted.

MEMORANDUM FOR: The Inspector General

SUBJECT: First Draft of Revised NSCID 5

1. In order to facilitate further consideration of NSCID 1 at a meeting scheduled for 1 April, there is submitted herewith in two copies the first draft revision of NSCID 5. Also attached is an explanation of the changes made.

2. The task force has not yet completed its staff work on this directive and there are several points in the present directive and the draft revision which require further consideration. For example, Paragraph 10 of the present directive provides that the DCI will coordinate E&CE operations in or from a theater of active military operations with the JCS. The question arises as to whether it was the intent of the NSC that the DCI will coordinate such operations undertaken by all U.S. departments and agencies or only those undertaken by the CIA Force. Then, too, it seems to us that further clarification of the last sentence of Paragraph 10 is required. This paragraph refers to representatives of the DCI being under the direct command of the theater commander and does not take into consideration the conduct of operations by the CIA Force independently of the theater commander.

3. We shall continue our review of NSCID 5 as well as DCID 5/1.

THOMAS H. KARAMESSINES
Acting Chief
Foreign Intelligence

cc: C/PPC
CI (Attn:)
DDI (Attn:)

MORI/CDF Pages
14-21

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600521

29 March 1957

NSCII: 5 (First Draft Revision)

Pursuant to the provisions of Section 102 (d) of the National Security Act of 1947, the National Security Council hereby authorizes and directs that:

1. The Director of Central Intelligence shall conduct all organized Federal espionage operations outside the United States and its possessions and in occupied areas for the collection of foreign intelligence information required to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain agreed activities by other Departments and Agencies.

2. The Director of Central Intelligence shall conduct all organized Federal counter-intelligence (including counterespionage) operations outside the United States and its possessions and in occupied areas, except for the protective counter-intelligence activities of any army, navy or air command or installation and agreed comparable activities by Departments and Agencies necessary for the security of such organizations.

3. The Director of Central Intelligence shall be responsible for coordinating clandestine and overt intelligence collection activities.

4. In all areas the designated representative of the Director of Central Intelligence will keep the Senior U.S. Representative appropriately advised of the espionage and counter-intelligence operations conducted in or from the area.

- 2 -

5. In an area occupied by U.S. Armed Forces the designated representative of the Director of Central Intelligence will keep the Senior U.S. Military Commander informed in general of the clandestine collection activities conducted by the representatives of the Director of Central Intelligence.

6. In time of war or when the President directs, the Director of Central Intelligence will coordinate espionage and counter-intelligence operations in or from a theater of active military operations with the Joint Chiefs of Staff. In theaters of war, where U.S. Armed Forces are engaged in active combat operations representatives of the Director of Central Intelligence conducting espionage and counter-intelligence operations in or from the theater shall be under the direct command of the United States theater commander.

SUBJECT: Revision of NSCIB 5 - Explanation of Changes

I. The following paragraphs are keyed to the numbered paragraphs of the first draft:

1. The present directive does not specify that the DCI shall conduct espionage in occupied areas although he is charged with the conduct of counterespionage in such areas. Therefore, there has been inserted in the third line "and in occupied areas".

2. The present directive does not refer to DCI conduct of counter-intelligence operations; thus the insertion of this category. Also inserted is the word "comparable" in the fifth line.

3. "Clandestine" has been submitted for "covert" since the latter in military terminology often connotes unconventional warfare activities.

4. This paragraph combines portions of Paragraphs 7 and 8 of the present directive. Since the DCI is charged with the coordination of intelligence activities, it seems advisable to delete the reference in Paragraph 7 to coordination of operations with the Senior U.S. Representative and provide for the briefing of Senior U.S. representatives on such operations. It is our assumption that Paragraphs 7 and 8 intend that the DCI representative will brief the Senior U.S. representative on EA&C operations conducted in the area by all departments and agencies and not just those conducted by CIA. Reference is made in the new paragraph to the designated representative of the DCI.

5. This paragraph merely preserves the provision contained in the last part of Paragraph 7. New wording includes "designated representative" and "representatives of the DCI".

6. This paragraph represents a revision of Paragraph 10 of the present directive. "Counterespionage" has been changed to "counter-intelligence" and for specificity there has been inserted in the fifth line "in active combat operations".

II. The following paragraphs of the present directive have not been retained in the revised draft:

Paragraph 4 concerning "casual agents" appears to be superfluous. The DCI has the authority to coordinate all clandestine collection activities. Retention of paragraph 4 would raise the question whether there should be "casual" use of agents in the

- 2 -

sense that each use is not part of the "organized" U.S. clandestine effort.

Paragraph 5 concerning dissemination of intelligence information would be more appropriate in NSCIR 1.

Paragraph 6 specifies that all other NSCIR's refer to overt activities. We recommend this also be inserted in NSCIR 1.

Paragraph 9 refers to Service support of CIA. It is recommended that this subject be covered in NSCIR 1.

NSCID-5 Meeting - DCI Conference Room

1400 Hours - 24 July 1957

<u>Agency</u>	<u>Name</u>	
CIA	Gen. L. K. Truscott, Jr., Presiding	
	[Redacted] A/DDI/P	STAT
	[Redacted] DD/C	STAT
	[Redacted] DD/C	STAT
	[Redacted] P/FI	
	[Redacted] "	
	[Redacted] DP/CI	
	[Redacted] "	
	[Redacted] "	
	[Redacted] DPP/CI	STAT
OAsst/Sec.Def. (Sp. Op.)	Col. Mathew Stewart	
ACSI	Col. Ralph Dalton Col. Davis Lt. Col. Hooper Mr. Rupert Guenther	
AF (Off. Sp. Inv.)	Franklin L. Welch <i>Geo. M. Lachinski</i>	
STATE	Mr. William McAfee (<i>Mr. Lunnas, Howard</i>)	
JIG	Capt. W. R. Wilson	
FBI	Mr. Meffert W. Kuhrtz (<i>not present</i>)	
ONI	Capt. W. S. Howell Mr. W. Abbott Cdr. F. M. Murphy Lt. Cdr. J. D. Wiegand	
AEC	Mr. George D. Monk	
AF	Lt. Col. Norman L. Perlberg	

copy to 287

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File Security

NSCID-5 Meeting - DCI Conference Room

1100 Hours - 29 July 1957

<u>Agency</u>	<u>Name</u>	STAT
CIA	✓ Gen. L. K. Truscott, Jr., Presiding A/DDI/P DD/C DD/C DDP/FI " " DDP/CI " DDP/CI	
Asst./Sec. Def. (Sp.Op.)	✓ Col. Mathew Stewart	
ACSI	✓ Col. Ralph Dalton ✓ ✓ Col. Davis ✓ ✓ Lt. Col. Hopper ✓ ✓ Mr. Rupert Guenther ✓	
AF (Off.Sp.Op.)	✓ Mr. Franklin L. Welch ✓ <i>Laschinski - Geo W.</i> Mr. Shimsky <i>Geo. W. Laschinski</i>	
AF	✓ Lt. Col. Norman L. Perlberg ✓ ✓ Lt. Col. S. H. Tolbert ✓	
STATE	Mr. William Maffeo <i>Mr. Farnas, Howard</i>	
JIG	✓ Capt. W. R. Wilson ✓	
FBI	Mr. Maffert W. Kuhrtz <i>(Not present)</i>	
ONI	✓ Capt. W. S. Howell ✓ ✓ Mr. W. Abbott ✓ ✓ Cdr. F. M. Murphy ✓ ✓ Lt. Cdr. J. D. Wiegand ✓ ✓ Capt. W. G. Corliss ✓	
AEC	✓ Mr. George D. Monk	

Col Stewart 73877✓
42 Shelch 8315✓

Platts McFie 3112 ✓
Jug - Cap Wilson 74683 ✓ ^{miscollected}
fbi M. W. Kubitz 175-817 ✓
amc Capt Lowell 76071 ✓
acc Mr George Mark 144-X637 ✓
af. Rulley 53228 ✓

←————→
called
1/25

Cal Dalton

131

X 71366

Meeting Monday 7/29/57:

9 o'clock

Rm 2C468 War Room

The same four ACSTI men will attend.

Cal Dalton will not advise anyone else.

NSCID-5 Meeting - DCI Conference Room

1400 Hours - 24 July 1957

1100

Agency

Name

CIA

Gen. L. K. Truscott, Jr., Presiding

A/DCI/P

DD/C

DD/C

DDP/FI

DDP/CI

STAT

**Chief/Sec. Def.
(Sp. Op.)**

X Col. Mathew Stewart 73877 ✓

ACW

**Col. Ralph Dalton - 71366
Col. Davis
Lt. Col. Hooper
Mr. Rupert Guenther 74742**

AF

(Off. Sp. Investigation)

X Franklin L. Welch 151 - 8315 ✓

Major Lachinski (phonetic)

Howard Furness

Mr. William McAfee - 73112 ✓

STATE

JCS

Capt. W. R. Wilson 74683 ✓

FBI

Mr. Meffert W. Kuhrt - 175 7517

ONI

Capt. W. S. Howell 76071 ✓

Mr. W. Abbott

Cdr. F. M. Murphy

Lt. Cdr. J. D. Wiegand

Mr. George D. Monk 144 7637

AMC

AF

Lt. Col. Norman L. Perlberg 53228

NSCID-5 Meeting - DCI Conference Room

1100 Hours - 29 July 1957

AGENCY

CIA

Name

Gen. L. K. Truscott, Jr., Presiding
A/DDI/P

DD/C

DD/C
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Asst./Sec. Def.
(Sp.Op.)

ACSI

AF
(Off, Sp. Op.)

AF

STATE

JTO

FBI

ONI

AEC

Col. Mathew Stewart ✓

Col. Ralph Dalton
Col. Davis
Lt. Col. Hopper
Mr. Rupert Guenther

Mr. Franklin L. Welch
Mr. Shinsky

Lt. Col. Norman L. Perlberg
Lt. Col. S. H. Tolbert
Howard Furniss
Mr. William McAfee

Capt. W. R. Wilson

Mr. Maffert W. Kuhrtz

Capt. W. S. Howell
Mr. W. Abbott
Cdr. F. M. Murphy
Lt. Cdr. J. D. Wiegand
Capt. W. G. Corliss

Mr. George B. Monk

STAT

NBCID #5 - DCI Conference Room

1415 Hours - 9 October 1957

STAT

Agency

Name

CIA

Gen. L. K. Truscott, Jr., Presiding

O-ED/C

O-ED/C

ED/P

ED/P

STAT

AEC

~~Mr. George Monk~~ Mr. Melvin Abrahams

JIG

Capt. W. R. Wilson

ONI

Capt. W. S. Howell *with*
Mr. Abbott & Packard

ACSI

Col. Ralph Dalton
Col. Glenn Muggelberg
Col. Davis
Mr. Rupert Guenther

State

Mr. William McCaffee

USAF

Lt. Col. Norman Perlberg
Lt. Col. Joseph Cappucci
Lt. Col. Van A. Woods
Lt. Col. S. H. Tolvert

Mr. Lashinsky

FBI

Mr. Meffert W. Kuhrtz

MECIB #5 - DCI Conference Room**1415 Hours - 14 October 1957****Agency****Name****CIA****Gen. L. K. Truscott, Jr., Presiding****O-ED/C****O-ED/C****ED/P****ED/P**

STAT

AEC**Mr. Malvin Abrahams****JIG****Capt. W. R. Wilson****OBI****Capt. W. S. Howell****Mr. W. Abbott****Capt. Packard****ACSI****Col. Ralph Dalton****Col. Glenn Muggalberg****Col. Davis****Mr. Rupert Guenther****State****Mr. William McCaffee****USAF****Lt. Col. Norman Perilberg****Lt. Col. Joseph Cappucci****Lt. Col. Van A. Woods****Lt. Col. S. H. Tolvert****Major C. W. Laschinski****FBI****Mr. Maffert W. Kshirtz**

December 29, 1952

TOP SECRET
SECURITY INFORMATION

COPY NO. 42

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 9

COMMUNICATIONS INTELLIGENCE

Pursuant to the provisions of Section 101 and Section 102 of the National Security Act of 1947, as amended, and to the Presidential directive approved October 24, 1952, which

a. Stated that the communications intelligence (COMINT) activities of the United States are a national responsibility, and that they must be so organized and managed as to exploit to the maximum the available resources in all participating departments and agencies and to satisfy the legitimate intelligence requirements of all such departments and agencies;

b. Designated the Secretaries of State and Defense as a Special Committee of the National Security Council for COMINT, which Committee shall, with the assistance of the Director of Central Intelligence, establish policies governing COMINT activities, and keep the President advised of such policies through the Executive Secretary of the National Security Council (The President in approving this directive also directed that the Attorney General shall be a member of the Special Committee whenever matters of interest to the Federal Bureau of Investigation are before that Committee.); and

c. Further designated the Department of Defense as executive agent of the Government, for the production of COMINT information;

the Special Committee of the National Security Council for COMINT hereby authorizes and directs that:

1. Directive to the United States Communications Intelligence Board (USCIB).

a. USCIB shall be reconstituted as a body acting for and under the Special Committee, and shall operate in accordance with the provisions of this directive. Only those departments or agencies represented in USCIB are authorized to engage in COMINT activities.

December 29, 1952

TOP SECRET

MORI/CDF This Page

TOP SECRET
SECURITY INFORMATION

b. The Board shall be composed of the following members:

(1) The Director of Central Intelligence, who shall be Chairman of the Board.

(2) A representative of the Secretary of State.

(3) A representative of the Secretary of Defense.

(4) A representative of the Director of the Federal Bureau of Investigation.

(5) The Director of the National Security Agency (NSA).

(6) A representative of the Department of the Army.

(7) A representative of the Department of the Navy.

(8) A representative of the Department of the Air Force.

(9) A representative of the Central Intelligence Agency.

c. The Board shall have a staff headed by an executive secretary who shall be appointed by the Chairman with the approval of the majority of the Board.

d. It shall be the duty of the Board to advise and make recommendations to the Secretary of Defense, in accordance with the following procedure, with respect to any matter relating to communications intelligence which falls within the jurisdiction of the Director of NSA:

(1) The Board shall reach its decision by a majority vote. Each member of the Board shall have one vote except the representatives of the Secretary of State, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and of the Central Intelligence Agency who shall each have two votes. The Director of Central Intelligence, as Chairman,

NSCID 9
REVISED

December 29, 1952

MORI/CDF This Page

TOP SECRET

TOP SECRET
SECURITY INFORMATION

will have no vote. In the event that the Board votes and reaches a decision, any dissenting member of the Board may appeal from such decision within 7 days to the Special Committee. In the event that the Board votes but fails to reach a decision, any member of the Board may appeal within 7 days to the Special Committee. In either event the Special Committee shall review the matter, and its determination thereon shall be final. Appeals by the Director of NSA and/or the representatives of the Military Departments shall only be filed with the approval of the Secretary of Defense.

(2) If any matter is voted on by the Board but

(a) no decision is reached and any member files an appeal;

(b) a decision is reached in which the representative of the Secretary of Defense does not concur and files an appeal;

no action shall be taken with respect to the subject matter until the appeal is decided, provided that, if the Secretary of Defense determines, after consultation with the Secretary of State, that the subject matter presents a problem of an emergency nature and requires immediate action, his decision shall govern, pending the result of the appeal. In such an emergency situation the appeal may be taken directly to the President.

(3) Recommendations of the Board adopted in accordance with the foregoing procedures shall be binding on the Secretary of Defense. Except on matters which have been voted on by the Board, the Director of NSA shall discharge his responsibilities in accordance with his own judgment, subject to the direction of the Secretary of Defense.

NSCID 9
REVISED
December 29, 1952

- 3 -

TOP SECRET

MORI/CDF This Page

TOP SECRET
SECURITY INFORMATION

(4) The Director of NSA shall make such reports and furnish such information from time to time to the Board, either orally or in writing, as the Board may request, and shall bring to the attention of the Board either in such reports or otherwise any new major policies or programs in advance of their adoption by him.

e. It shall also be the duty of the Board as to matters not falling within the jurisdiction of NSA:

(1) To coordinate the communications intelligence activities among all departments and agencies authorized by the President to participate therein;

(2) To initiate, to formulate policies concerning, and subject to the provisions of NSCID No. 5, to supervise all arrangements with foreign governments in the field of communications intelligence; and

(3) To consider and make recommendations concerning policies relating to communications intelligence of common interest to the departments and agencies, including security standards and practices, and, for this purpose, to investigate and study the standards and practices of such departments and agencies in utilizing and protecting COMINT information.

f. Any recommendation of the Board with respect to the matters described in paragraph e above shall be binding on all departments or agencies of the Government if it is adopted by the unanimous vote of the members of the Board. Recommendations approved by a majority, but not all, of the members of the Board shall be transmitted by it to the Special Committee for such action as the Special Committee may see fit to take.

g. The Board will meet monthly, or oftener at the call of the Chairman or any member, and shall determine its own procedures.

NSCID 9
REVISED
December 29, 1952

- 4 -

TOP SECRET
MORI/CDF This Page

TOP SECRET
SECURITY INFORMATION

2. Directive to the Secretary of Defense.

a. Subject to the specific provisions of this directive, the Secretary of Defense may delegate in whole or in part authority over the Director of NSA within his department as he sees fit.

b. The COMINT mission of the National Security Agency (NSA) shall be to provide an effective, unified organization and control of the communications intelligence activities of the United States conducted against foreign governments, and to provide for integrated operational policies and procedures pertaining thereto. As used in this directive, the terms "communications intelligence" or "COMINT" shall be construed to mean all procedures and methods used in the interception of communications other than foreign press and propaganda broadcasts and the obtaining of information from such communications by other than the intended recipients,* but shall exclude censorship and the production and dissemination of finished intelligence.

c. NSA shall be administered by a Director, designated by the Secretary of Defense after consultation with the Joint Chiefs of Staff, who shall serve for a minimum term of 4 years and who shall be eligible for reappointment. The Director shall be a career commissioned officer of the armed services on active or reactivated status, and shall enjoy at least 3-star rank during the period of his incumbency.

d. Under the Secretary of Defense, and in accordance with approved policies of USCIB, the Director of NSA shall be responsible for accomplishing the mission of NSA. For this purpose all COMINT collection and production resources of the United States are placed under his operational and technical control. When action by the Chiefs of the operating agencies of the Services or civilian departments or agencies is required, the Director shall normally

* See Public Law 513, 81st Congress, 1950.

NSCID 9
REVISED
December 29, 1952

- 5 -

MORI/CDF This Page TOP SECRET

TOP SECRET
SECURITY INFORMATION

issue instructions pertaining to COMINT operations through them. However, due to the unique technical character of COMINT operations, the Director is authorized to issue direct to any operating elements under his operational control task assignments and pertinent instructions which are within the capacity of such elements to accomplish. He shall also have direct access to, and direct communication with, any elements of the Service or civilian COMINT agencies on any other matters of operational and technical control as may be necessary, and he is authorized to obtain such information and intelligence material from them as he may require. All instructions issued by the Director under the authority provided in this paragraph shall be mandatory, subject only to appeal to the Secretary of Defense by the Chief of Service or head of civilian department or agency concerned.

e. Specific responsibilities of the Director of NSA include the following:

(1) Formulating necessary operational plans and policies for the conduct of the U. S. COMINT activities.

(2) Conducting COMINT activities, including research and development, as required to meet the needs of the departments and agencies which are authorized to receive the products of COMINT.

(3) Determining, and submitting to appropriate authorities, requirements for logistic support for the conduct of COMINT activities, together with specific recommendations as to what each of the responsible departments and agencies of the Government should supply.

(4) Within NSA's field of authorized operations prescribing requisite security regulations covering operating practices, including the transmission, handling and distribution of COMINT material within and among the COMINT elements under his operational or technical control; and exercising the necessary monitoring and supervisory control, including inspections if necessary, to ensure compliance with the regulations.

NSCID 9
REVISED
December 29, 1952

- 6 -

TOP SECRET

MORI/CDF This Page

TOP SECRET
SECURITY INFORMATION

(5) Subject to the authorities granted the Director of Central Intelligence under NSCID No. 5, conducting all liaison on COMINT matters with foreign governmental communications intelligence agencies.

f. To the extent he deems feasible and in consonance with the aims of maximum over-all efficiency, economy, and effectiveness, the Director shall centralize or consolidate the performance of COMINT functions for which he is responsible. It is recognized that in certain circumstances elements of the Armed Forces and other agencies being served will require close COMINT support. Where necessary for this close support, direct operational control of specified COMINT facilities and resources will be delegated by the Director, during such periods and for such tasks as are determined by him, to military commanders or to the Chiefs of other agencies supported.

g. The Director shall exercise such administrative control over COMINT activities as he deems necessary to the effective performance of his mission. Otherwise, administrative control of personnel and facilities will remain with the departments and agencies providing them.

h. The Director shall make provision for participation by representatives of each of the departments and agencies eligible to receive COMINT products in those offices of NSA where priorities of intercept and processing are finally planned.

i. The Director shall have a civilian deputy whose primary responsibility shall be to ensure the mobilization and effective employment of the best available human and scientific resources in the field of cryptologic research and development.

j. Nothing in this directive shall contravene the responsibilities of the individual departments and agencies for the final evaluation of COMINT information, its synthesis with information from other sources, and the dissemination of finished intelligence to users.

NSCID 9
REVISED
December 29, 1952

- 7 -

TOP SECRET

MORI/CDF This Page

TOP SECRET
SECURITY INFORMATION

3. The special nature of COMINT activities requires that they be treated in all respects as being outside the framework of other or general intelligence activities. Orders, directives, policies, or recommendations of any authority of the Executive Branch relating to the collection, production, security, handling, dissemination, or utilization of intelligence, and/or classified material, shall not be applicable to COMINT activities, unless specifically so stated and issued by competent departmental or agency authority represented on the Board. Other National Security Council Intelligence Directives to the Director of Central Intelligence and related implementing directives issued by the Director of Central Intelligence shall be construed as non-applicable to COMINT activities, unless the National Security Council has made its directive specifically applicable to COMINT.

4. Nothing in this directive shall be construed to encroach upon or interfere with the unique responsibilities of the Federal Bureau of Investigation in the field of internal security.

NSCID 9
REVISED
December 29, 1952

- 8 -

TOP SECRET
MORI/CDF This Page

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Next 2 Page(s) In Document Denied